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March 12, 2008

**BY HAND DELIVERY**

The Honorable Laura Taylor Swain  
United States District Judge  
United States District Court  
500 Pearl Street, Room 755  
New York, N.Y. 10007

**MEMO ENDORSED**

Re: People of the State of New York v. First American Corp. et al.  
07 Civ. 10397 (S.D.N.Y.) (LTS) (HBP)

Dear Judge Swain:

The parties respectfully and jointly write to request that the Court adjourn the date by which they are to file a Preliminary Pre-Trial Statement until after the Court decides the parties' pending cross-motions.

As the Court is aware, on November 26, 2007, defendants moved to dismiss this lawsuit pursuant to Federal Rule of Civil Procedure 12(b)(6). Shortly thereafter, on December 3, 2007 the plaintiff moved to remand the case to the Supreme Court of New York, New York County, pursuant to 28 U.S.C. § 1447. Should the Court grant either of these motions, there will be no need for the parties to engage in the extensive effort of drafting the Preliminary Pre-Trial Statement. Accordingly, for the sake of efficiency, we respectfully request an adjournment of the filing date for the Statement.

Further, the parties respectfully request that the Court advise them whether the April 4, 2008 pre-trial conference will be procedural in nature, or whether it will include substantive oral argument on the parties' motions.

We thank the Court for its consideration of these requests.

*The request for suspension of the submission requirement is granted. The motions will be taken on submission. Respectfully, unless the Court informs counsel that oral argument will be heard. The conference is adjourned from April 4, 2008, to May 23, 2008 at 11:00 AM.*

*Nicole Gueron*  
April 4, 2008, to May 23, 2008 at 11:00 AM. Deputy Chief Trial Counsel

**SO ORDERED.**

cc: Richard F. Hans, Esq. (by email)  
Kerry Cunningham, Esq. (by email)  
Thacher Proffitt & Wood LLP

